

I.

INTRODUCTION AND RELIEF SOUGHT

By way of his complaint, plaintiff Richard E. Jorgensen ("Plaintiff") seeks damages as the result of defendant William M. Windsor's posting of a photograph of Plaintiff on an internet website. As shall be developed below, however, each of Plaintiff's purported causes of action are time-barred. Thus, the instant motion should be granted, and the action dismissed, pursuant to Federal Rules of Civil Procedure Rule 12(b)(6).

II.

PURPORTED CAUSES OF ACTION

Plaintiff's complaint purports to state six causes of action: (1) Defamation – False Light; (2) Libel and Libel Per Se; (3) Intentional Infliction of Emotional Distress; (4) Negligent Infliction of Emotional Distress; (5) Misappropriation of Likeness – California Civil Code Section 3344; and (6) Misappropriation of Likeness – Common Law. Each of Plaintiff's six causes of action is predicated on the posting of a photograph of Plaintiff on an internet website.

III.

FACTUAL ALLEGATIONS

Plaintiff is a resident of San Francisco, a citizen of the State of California, and an employee of the Golden Gate National Parks Conservancy. Plaintiff's job duties include staffing an information desk in the cell house on Alcatraz Island.

Defendant William M. Windsor is a citizen of the State of Georgia. Defendant Round America, L.L.C. is a limited liability company formed and existing under the laws of the State of Georgia. William M. Windsor is the organizer and manager of Round America L.L.C.

In or around 2003, William M. Windsor photographed Plaintiff, without Plaintiff's permission, while Plaintiff was working on Alcatraz Island. Subsequently, William M.